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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT	: Laurence A. Cole
U.S. APPLICATION NO.	: 10/616,323
FILING DATE	: July 9, 2003
TITLE	: Hyperglycosylated hCG (Invasive Trophoblast Antigen) In Differential Diagnosis of Malignant or Invasive Trophoblast Disease
GROUP ART UNIT	: 1642
EXAMINER	: Peter J. Reddig

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Restriction Requirement

In response to the Examiner's office action dated March 16, 2006, pursuant to the Examiner's restriction requirement in the above-referenced patent application, Applicants provisionally elect with traverse to prosecute the invention of group 1, consisting of claims 1-16 which are drawn to a method of detecting the presence or absence of invasive trophoblast cells in a biological sample and diagnosing quiescent gestational trophoblastic disease in a biological sample by determining the percentage of hCG that is ITA, classified in class 435, subclass 4. In the alternative, at the request of Applicant and in the interest of an efficient examination of this application, Applicants respectfully request the Examiner to give consideration to examining all of the claims of the instant application, namely claims 1-45 together for purposes of expediting prosecution of the present application. Although the invention of groups I-VI are considered patentably distinct, it is respectfully submitted that the methods are so closely related that they may be examined together with a significant degree of administrative efficiency.

Notwithstanding Applicants' election, Applicant respectfully traverses the Examiner's requirement for restriction. Applicant respectfully requests the Examiner reconsider his restriction requirement. Applicant respectfully submits that prosecution of all of the originally filed claims should not be restricted to the elected invention, for the reasons which are set forth hereinbelow.

According to MPEP § 803, restriction by the Examiner of patentably distinct inventions is proper if the claimed inventions are independent and a ***serious burden*** would be placed on the Examiner if restriction was not required. Applicant respectfully submits that the presentation of all of the originally filled claims would not place such a serious burden on the Examiner as to require restriction. All of the originally filed claims are related, though patentably distinct products or process have common utility. Moreover, all of the inventions are searchable in both the same class 435, and subclass 4.

Although the claimed invention groups are generally patentably distinct from each other, Applicant respectfully submits that any search the Examiner would need to conduct in examining the instant application and the examination itself would not be unduly burdensome. Moreover, the examination of all of the originally filed claims in the instant application would not place such a serious burden on the Examiner as to require restriction.

Applicants understand the general policy considerations for the Patent Office's requirement for restriction in certain instances. In this instance, however, those considerations do not weigh in favor of restricting the inventions here. In determining the appropriateness of restriction, one must also consider the countervailing consideration that, in each instance, Applicant wishes the Patent Office to examine his or her application with a certain degree of "administrative efficiency" and wishes to have patent claims issue which reflect the breadth of his or her invention. This is especially true, where, as here, the various invention groups are searchable in the same class (435) and subclass (4). The common class and subclass for each of the invention groups further supports Applicant's view regarding the burden of examination.

Applicants respectfully submit that the originally filed claims are sufficiently narrow to allow the Examiner to determine patentability without being subjected to the serious burden referred to in MPEP § 803. Consequently, Applicant respectfully requests that the Examiner withdraw the restriction requirement in its entirety.

The Examiner is cordially requested to call the undersigned attorney if the Examiner believes that a telephonic discussion may materially advance the prosecution of the instant application in any way. No fee is due for the presentation of this response. If any additional fee is due or any overpayment has been made, please debit or credit Deposit Account 04-0838.

Respectfully submitted,

COLEMAN SUDOL SAPONE, P.C.

By: _____
Henry D. Coleman
Reg. No. 32,559

Dated: April 17, 2006

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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on April 17, 2006.

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Henry D. Coleman (Reg. No. 32,559)